

along the same; or where it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual proper wagon ways across said road or roads from one part of his land to the other.

SECTION 15. *And be it enacted*, That whensoever it shall be necessary for said Company, to have use or occupy any lands, materials or other property, in order to the construction or repair of any part of said road or roads, or their works or necessary buildings, the President and Directors of said company, or their agents, or those contracting with them for making or repairing the same may immediately take and use the same, they having first caused the property wanted to be viewed by a jury (formed in the manner hereinbefore prescribed in those cases where the property is to be changed or altered by admixture with other substances before such alterations are made,) and that it shall not be necessary, after such view, in order to the occupation of the same, to wait the issue of the proceedings upon such view; and the inquest of the jury, after confirmation and after payment or tender of the valuation shall be a bar to all actions for taking or using such property,, whether commenced before or after such confirmation or the payment of said valuation.

SECTION 16. *And be it enacted*, That the said President and Directors, or a majority of them, shall have power to purchase with the funds of said company, and place on any railroad constructed by them under this act, all machines, wagons, vehicles or carriage of any description whatever, which they may deem necessary or proper for the purposes of transportation on said road, and they shall have power to charge for toll upon (and the transportation of persons) goods, produce, merchandise, or property of any kind whatsoever, transported by them along said railroad, from the town of Cumberland to the dividing line between the States of Maryland and Pennsylvania, any sum not exceeding the following rates, viz: on all goods, produce, merchandise or property of any description whatsoever transported by them, not exceeding three cents a ton per mile for tolls, and three cents a ton per mile for transportation, and for the transportation of passengers, not exceeding three cents per mile for each passenger; and it shall not be lawful for any other company, or any person or persons whatsoever, to travel upon or use any of the roads of said company, or to transport persons, merchandise, produce or property of any description whatsoever, along said roads or any of them, without the license or permission of the President and Directors of said company; and that the said road or roads, with all their works, improvements and profits and all the machinery of transportations used on said road, are hereby vested in the said company incorporated by this act, and their successors forever; and the shares of the capital stock of the said company, shall be deemed and considered personal estate, and shall be ex-